

REMARKS

Favorable reconsideration of this application, in view of the preceding amendments and following remarks, is respectfully requested.

Claims 1-10, 13-17, 19-29 and 33-40 are pending in this application. Claims 1, 19, 20, 25 and 29 are independent claims. Claims 4, 7, 9, 19, 21-23, 25, 26, 28 and 29 are amended. Claims 8, 11, 12, 18 and 30-32 are cancelled. Claims 33-40 are newly added.

Applicants acknowledge with appreciation the Examiner's indication that certified copies of the priority documents have been received by the United States Patent and Trademark Office (USPTO).

Drawings

Applicants respectfully request the Examiner acknowledge that the drawings have been accepted by the USPTO or identify any deficiencies believed to be present in the drawings so the Applicants have an adequate opportunity to traverse and/or address any identified deficiencies.

Title

The title is amended as shown in a preceding section of this Amendment.

Specification

The specification is objected to as including minor informalities. In particular, the Examiner requests that the misspelling of the word "does" in specification be corrected. Applicants note that the misspelling of the word "does" occurs in paragraph [00114], and the

specification is amended as suggested by the Examiner. Therefore, Applicants respectfully request that the objection to the specification be withdrawn.

Claim Objections

Claim 30 is objected to as including minor informalities. Claim 30 is cancelled by this Amendment, thereby rendering this objection moot.

Claim Rejections Under 35 U.S.C. § 112

Claims 7 and 8 stand rejected under 35 U.S.C. § 112, second paragraph as indefinite. Claim 7 is amended to correct any insufficient antecedent basis issues, and claim 8 is cancelled. Therefore, Applicants respectfully request that the Examiner withdraw the rejections of claims 7 and 8 under 35 U.S.C. § 112, second paragraph because the rejection of claim 7 is overcome and the rejection of claim 8 is rendered moot.

Claim Rejection under 35 U.S.C. § 102

Claims 1-7, 15, 17-21, 23, 25-26, and 29-31 stand rejected under 35 U.S.C. §102(a) as anticipated by Kuroda et al. (US Patent Number 6,735,155, herein Kuroda). Initially, Applicants note that this rejection is improper because the present application has a filing date of January 9, 2004 and Kuroda has an effective §102(a) date of May 11, 2004. However, Applicants respectfully traverse this art grounds as if it were cited under 35 U.S.C. §102(e) and request reconsideration and allowance of the claims in view of the following remarks.

The Examiner alleges that Kuroda discloses in Fig. 7 a recording medium with a linking area including at least two sync frame signals, where the at least two sync frame signals maintain uniqueness. As shown in Fig. 7 of the reference, when a new data section is added to the recording medium of Kuroda, the head position of the old dummy data is detected and the new recording begins at the second sync frame located at the end of the original recording. The second sync frame is overwritten by the new record information and becomes in fact broken due to the overwriting of data. Subsequent to the broken data area is written the remainder of the new recording unit, followed by successive recording units.

Thus, the linking area between old and new record information of Kuroda according to Fig. 7 includes a head position of old dummy information previously recorded, one frame sync containing dummy information, and a broken data area. The dummy information is recorded so as not to disturb the operation of the error-correcting code (ECC), but otherwise contains no useable information. In fact, since the recording area of the old and new dummy information becomes broken due to overwriting, not only is there no useable information in the dummy information of frame sync number two, it cannot even be read, which may be inconsequential for Kuroda since Kuroda is not concerned with the contents of the linking area so long as the operation of the ECC is not disrupted.

Independent claim 1 recites “the linking area including at least two sync signals.” While the linking area of Kuroda may contain two sync frames, this is not equivalent to the at least two frame sync signals of claim 1. In general, while frames may act as containers for information, signals are information themselves and may be interpreted as instructions or messages.

Further, claim 1 specifically recites that “the at least two sync signals *maintain uniqueness*.” With respect to the “uniqueness” feature of claim 1, the Examiner cites “different functions of each sync frame” explained in column 12, lines 8-15 of Kuroda.¹ As such, it appears the Examiner is asserting that the uniqueness feature is *inherent* in Kuroda because of the alleged “different functions of each sync frame”. Regarding inherency, the Manual of Patent Examination and Procedure (MPEP) specifically states “[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish inherency of that result or characteristic.”² As such, the mere description in Kuroda of two sync frames within a linking area where one contains dummy information and the other is unreadable, and the Examiner’s assertion that the sync frames have different functions, is insufficient to establish that Kuroda explicitly or inherently discloses “the at least two frame sync signals *maintain uniqueness*,” as required by claim 1.

In light of the above, Applicants respectfully submit that Kuroda fails to disclose, teach or suggest all of the features of independent claim 1. Thus, independent claim 1 is allowable over Kuroda. Furthermore, because independent claims 19, 20, 25, and 29 include features similar to independent claim 1, these claims are allowable over Kuroda for at least the same reasons as independent claim 1. With regards to the remaining dependent claims, these claims are allowable at least because of their dependence on an allowable base claim. Therefore, Applicants respectfully request that the rejections of claims 1-7, 15, 17-21, 23, 25-26, and 19-31 under 35 U.S.C. § 102(a) be withdrawn.

¹ Office Action mailed September 7, 2006, page 3, lines 10-11.

² MPEP §2112 IV titled “Examiner must provide rationale or evidence tending to show inherency”.

Claim Rejection under 35 U.S.C. § 103

Claim 8 stands rejected under 35 U.S.C. §103(a) as obvious over Kuroda in view of Tachino et al. (US Patent 7,065,030). Claim 8 is cancelled, thereby rendering this rejection moot.

Claims 9-14, 24, 27-28, and 32 stand rejected under 35 U.S.C. §103(a) as obvious over Kuroda in view of Sako et al. (US Patent 6,971,024, herein Sako). Applicants respectfully traverse this rejection and submit that the listed dependent claims are allowable over Kuroda in view of Sako at least because of their dependence on an allowable base claim, the basis for such allowance being previously set forth above. Therefore, Applicants respectfully request that the rejection of claims 9-14, 24, 27-28 and 32 under 35 U.S.C. § 103(a) be withdrawn.

Claim 22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kuroda in view of Fujimoto et al. (U.S. Patent No. 6,191,903, herein Fujimoto). Applicants respectfully traverse this rejection and submit that claim 22 is allowable over Kuroda in view of Fujimoto at least because claim 22 depends from base claim 20, which includes features somewhat similar to independent claim 1. Therefore, Applicants respectfully request that the rejection of claim 22 under 35 U.S.C. § 103(a) be withdrawn.

New Claims

New claims 33-40 are all dependent and thus, are allowable at least because of their dependence on an allowable base claim, the basis for such allowance being previously set forth. Applicants respectfully submit that no new matter is added by new claims 33-40.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a three (3) month extension of time for filing a reply to the outstanding Office Action and submit the required \$1020 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott A. Elchert at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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